

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA :

-v-

JOSHUA ADAM SCHULTE, :

Defendant. :

X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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S-2 17 Cr. 548 (PAC)

ORDER

X

HONORABLE PAUL A. CROTTY, United States District Judge:

Section 6 of CIPA provides that the “United States may request the court to conduct a hearing to make all determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during the trial or pretrial proceeding.” 18 U.S.C. App. § 6(a). Sections 6(a) and 6(c) of CIPA provide that such hearings must be held *in camera* if the Attorney General certifies to the Court that a public proceeding may result in the disclosure of classified information. (*Id.* § 6.)

On October 11, 2019, the Government moved for an *in camera* hearing pursuant to Section 6(a) of CIPA to address the use, admissibility, and relevance of classified information expect to be disclosed at trial. (Dkts. 151, 158.) On November 18, 2019, the Government submitted the declaration of John C. Demers, the Assistant Attorney General in charge of the National Security Division of the United States Department of Justice, affirming that a public hearing on the matter may result in the disclosure of classified information. (Dkt. 184-1.) Mr. Demers is designated by the Attorney General for the purpose of making this certification. 18 U.S.C. App. § 14.

Having considered the Government's motion for *in camera* hearings for the Section 6(a) and Section 6(c) hearings, and the request to seal the transcript of any such proceeding, and the declaration provided by the Assistant Attorney General of the National Security Division, it is ORDERED that the Government's motion is GRANTED.

Accordingly, the hearing pursuant to CIPA Section 6(a) will commence *in camera* on November 20, 2019. The hearing pursuant to Section 6(c) will commence *in camera* on December 16, 2019.

It is further ORDERED that the closure of the courtroom be tailored by requiring the Government to move to unseal the transcript if or when the information discussed therein is no longer classified.

Dated: New York, New York  
November 19, 2019

SO ORDERED



PAUL A. CROTTY  
United States District Judge